

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BILLY M. SMITH,

:

Plaintiff,

Case No. 3:10-cv-448

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

MONTGOMERY COUNTY
SHERIFF'S OFFICE, et al.,

Defendants.

DECISION AND ORDER ON RECONSIDERATION

This case is before the Court on Plaintiff's Motion in Opposition to the Court's Decision and Order (Doc. No. 119).

Having reconsidered the prior Order in light of the Motion, the prior Order (Doc. No. 115) is VACATED and Plaintiff is granted leave to file partial summary judgment motions against Defendant Gardiner and Hild. The filing shall be accomplished by the Clerk's detaching the two motions from Doc. Nos. 113 and 114, respectively, and filing the Motions. Those two Defendants shall have until August 6, 2012, to file responsive memoranda.

July 12, 2012.

s/ *Michael R. Merz*

United States Magistrate Judge